

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARVIN McELROY,

No C-09-2584 VRW (PR)

Petitioner,

v

ORDER OF TRANSFER

MICHAEL MARTEL, Warden,

Respondent.

_____ /

Petitioner seeks federal habeas review of the execution of a sentence imposed by the Alameda County superior court, which lies in this judicial district. See 28 USC § 84(a). Petitioner is incarcerated at Mule Creek State Prison in the County of Amador, which lies in the Eastern District of California. See id § 84(b).


Venue is proper in a habeas action in either the district of conviction or the district of confinement, id § 2241(d); the district of confinement, however, is the preferable forum to review the execution of a sentence. See Habeas L R 2254-3(a); Dunne v Henman, 875 F2d 244, 249 (9th Cir 1989); cf Laue v Nelson, 279 F Supp 265, 266 (ND Cal 1968) (district of conviction preferable forum

1 to review conviction).

2 Because the County of Amador lies in the Eastern District
3 of California, pursuant to 28 USC § 1404(a) and Habeas Local Rule
4 2254-3(b) and in the interest of justice the court orders this
5 petition TRANSFERRED to the United States District Court for the
6 Eastern District of California.

7 The clerk shall transfer this matter and terminate all
8 pending motions as moot.

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10 IT IS SO ORDERED.

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14 VAUGHN R WALKER
15 United States District Chief Judge
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